

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION

ANTOR MEDIA CORPORATION,

Plaintiff,

v.

SAMSUNG TELECOMMUNICATIONS
LLP,

Defendant.

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CIVIL ACTION NO. 5:06-CV-239-DF

ORDER

Before the Court is the Motion to Stay Pending Reexamination filed by Defendant Sony Ericsson Mobile Communication (USA) Inc. ("Sony Ericsson"). Dkt. No. 34. Sony Ericsson's motion seeks an unconditional stay pending reexamination of Plaintiff's asserted patent before the United States Patent and Trademark Office (the "PTO"). Dkt. No. 34 at 2. The Court held a scheduling conference on February 21, 2007, which conference also included Civil Action No. 5:06-cv-240, *Antor Media Corporation v. Motorola, Inc.*

Former co-defendant Samsung Telecommunications LLP ("Samsung") filed a motion to sever and stay on March 27, 2007, expressing a willingness to enter a stay conditioned on a stipulation that Samsung would not challenge the asserted patent based on prior art printed publications considered by the PTO during reexamination. Dkt. No. 51. Plaintiff did not oppose Samsung's motion, which the Court granted on April 2, 2007, and Plaintiff's case against Samsung has been severed into Civil Action No. 5:07-cv-49. Dkt. No. 55. Sony Ericsson was unwilling to enter the stipulation proposed by Samsung. *See* Dkt. No. 51.

Because the Court is not inclined to stay the above-captioned case absent any stipulation, Sony Ericsson's motion is hereby **DISMISSED WITHOUT PREJUDICE** to refiling at a later date. When further office action is taken by the United States Patent and Trademark Office and Sony Ericsson is able to evaluate an appropriate stipulation, it may re-file its motion.

IT IS SO ORDERED.

SIGNED this 22nd day of May, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE